

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,)
10 Plaintiff,) No. CR 07 0045 SI
11 v.) [PROPOSED] STIPULATED ORDER
12 DANIEL IVAN PORTER,) REVISING MOTIONS BRIEFING
13 Defendant.) SCHEDULE

15 Counsel for the government and for the defense have agreed to a briefing schedule before this
16 Court on Mr. Porter's motion to suppress evidence arising from the placement of GPS devices and a
17 garbage search. The defense motion is due today, May 25, 2007.

18 Since setting that briefing schedule, the parties have discovered that a large amount of the GPS
19 data was created and is best viewed in a proprietary software format. The government and defense
20 counsel have worked to resolve this issue, and anticipate purchasing software to view this data in its
21 native format. Because the parties do not have this proprietary software yet, however, counsel for
22 the defense is unable to file a comprehensive brief on the subject today. (The garbage-suppression
23 motion will be a smaller part of the larger GPS suppression motion).

24 The parties have accordingly agreed to a modified briefing schedule. The parties jointly
25 propose that the defense file its opening brief on Friday, June 8. The government will respond with
26 its Opposition on Friday, June 29. The defense will file its Reply on Friday, July 6th, with a hearing

1 date on Friday, July 13th. This revised schedule retains the same due date for the final Reply as
2 originally contemplated in this Court's order, and retains the same hearing date as previously
3 proposed.

4 Before June 8, the parties will continue to work together to gain access to the native format of
5 the GPS data. Accordingly, the parties jointly and respectfully request that the Court adopt the
6 above briefing schedule based on good cause shown.
7

8 IT IS SO STIPULATED.
9

10 May 25, 2007
11 DATED

/s _____
SCOTT SCHOOLS
United States Attorney
Northern District of California
ROBERT REES
Assistant United States Attorney

12
13
14 May 25, 2007
15 DATED

/s _____
BARRY J. PORTMAN
Federal Public Defender
Northern District of California
STEVEN G. KALAR
Assistant Federal Public Defender

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18 IT IS SO ORDERED.
19

20 DATED


HON. SUSAN ILLSTON
United States District Court Judge